

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the above amendments and the following remarks. Claims 16, 17, and 21 are amended. Claims 22-23 are added. These revisions are supported for instance in Figures 5A-5B and descriptions thereof. No new matter has been added. Claims 16-23 are pending.

Claims 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amplatz et al., in view of Gifford, III et al., and further in view of Cohen and Zhu et al. Applicants respectfully traverse this rejection to the extent that it can be maintained, and respectfully request reconsideration in view of the following comments.

Claim 16 is directed to a system for accessing an anatomic space having a wall. Claim 16 recites, among other features, an access tube that may be selectively engaged with an outer side of the wall and a penetrating structure that may penetrate the outer side of the wall and through an inner side of the wall to engage the inner side. (See for example Figures 5A-5D.) The cited references, however, do not render the claimed invention obvious.

Amplatz et al. does not teach or suggest an access tube and penetrating structure as required by claim 16. Amplatz et al. is directed to a needle apparatus for insertion into a patient's blood vessel. The cited reference expressly teaches an apparatus having a distal end inserted into the lumen of the blood vessel and engages the inner side of the vessel wall. (See for example Figures 6A-6D.) In fact, Amplatz et al. teaches that the sheath and needle are inserted as a single unit. (See for example Col. 2, lines 30-32.) Thus, Amplatz et al. teaches a structure that is clearly in contrast to the claimed invention. Accordingly, Amplatz et al. does not teach or suggest the features of claim 16. The cited references Gifford, III et al., Cohen, and Zhu et al., however, fail to render the claimed invention obvious.

Gifford, III et al., Cohen and Zhu et al. do not remedy the deficiencies of Amplatz et al. The cited references do not teach or suggest an access tube and penetrating structure as required by claim 16, namely, an access tube that may be selectively engaged with an outer side of the wall and a penetrating structure that may penetrate the outer side of the wall and through an inner side of the wall to engage the inner side of the wall. For

at least these reasons, the cited references either alone or in combination do not teach or suggest the features of claim 16.

Furthermore, even if the cited references could be combined, which Applicants' do not concede, there is no suggestion or motivation to combine Gifford, III et al., Cohen, and Zhu et al. with Amplatz et al. In fact, Amplatz et al. provides a device where both the sheath and needle puncture a blood vessel as a unit. As noted in the previous response filed June 22, 2005, any combination of the secondary references with Amplatz et al. is discouraged, because the structure and function of the devices disclosed by the secondary references are significantly different from Amplatz et al. That is, any combination of these references disregards the express teachings in Amplatz et al. Moreover, only by the presence of Applicants' disclosure and impermissible hindsight may any combination be alleged. Therefore, Applicants maintain that there is no suggestion or motivation to combine the references in leading to the features of the claimed invention.

For the foregoing reasons, Applicants respectfully submit that claim 16 and dependent claims 17-20 and 22 are allowable and not obvious over the references cited either taken together or separately.

Independent claims 21 and 23 include similar subject matter as claim 16, and particularly include, among other features, an access tube and penetrating structure with respect to accessing a pericardial space between the parietal pericardium and the visceral pericardium. Applicants respectfully submit that the cited references do not teach or suggest the features required by these claims. Applicants respectfully submit that claims 21 and 23 are allowable for at least the foregoing reasons discussed above.

Favorable reconsideration and withdrawal of the rejection are respectfully requested.

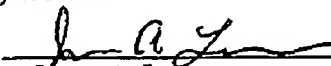
With the above amendments and remarks, Applicants believe that the pending claims in this application are in a condition for allowance. A Notice of Allowance is respectfully solicited. If any further questions arise, the Examiner is invited to contact Applicants' representative at the number listed below.



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